

GREENBERG MINASIAN, LLC

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**UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF NEW JERSEY
NEWARK VICINAGE**

Plaintiff(s)

RICARTE F. DALERE

vs.

Civil Action No:

Defendant(s)

PENN CREDIT CORPORATION ,
and ABC CORP I-V'S
(Fictitious Companies)

COMPLAINT AND JURY DEMAND

COMPLAINT AND DEMAND FOR JURY TRIAL

RICARTE F. DALERE, Plaintiff in the above entitled and captioned matter, by way of Complaint against the Defendants respectfully demands Judgment of this Honorable Court against each Defendant, as follows:

INTRODUCTION

1. This is an action for damages against all Defendants for violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter "FDCPA"). Plaintiff seeks actual damages, statutory damages, punitive damages, costs and attorney's fees pursuant to the FDCPA.

JURISDICTION AND VENUE

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k (d), 15 U.S.C. § 1681p (d), 28 U.S.C. § 1337, 28 U.S.C. § 1332. Declaratory relief is available pursuant to 28 U.S.C. § 2201 and 2202. Venue in this District is proper in that the conduct complained of occurred here and the Plaintiff resides here. 28 U.S.C. § 1391.

PARTIES

3. Plaintiff, RICARTE F. DALERE, is a natural person residing in Edison, NJ, Middlesex County.
4. Defendants PENN CREDIT CORPORATION and/or ABC Corp. I-V are domestic or foreign corporations engaged in the business of collecting debts in this state.
5. Defendants PENN CREDIT CORPORATION and/or ABC Corp. I-V are "debt collectors" as defined by the FDCPA, 15 U.S.C. § 1692a (6).
6. All defendants are doing business in the State of New Jersey.

REQUEST FOR TRIAL BY JURY

7. Plaintiff requests a trial by jury.

REQUEST FOR EXEMPLARY/PUNITIVE DAMAGES

8. Plaintiff respectfully requests that this Court instruct the jury, as the trier of facts, that in addition to actual, statutory and/or compensatory damages, punitive or exemplary damages may be awarded against the Defendants under the provisions of the FDCPA .

REQUEST FOR COSTS OF LITIGATION AND ATTORNEY FEES

9. Plaintiff respectfully requests that this Court award Plaintiff litigation expenses and other costs of litigation and reasonable attorney fees incurred in this litigation, in accordance with the provisions of the FDCPA.

GENERAL FACTUAL BASIS

10. Defendants PENN CREDIT CORPORATION, and/or ABC Corp I-V wrongfully attempted to collect a debt which was discharged in bankruptcy by sending collection letters to the plaintiff's place of residence alleging that this debt was due an owing in violation of the FDCPA.

11. Defendants PENN CREDIT CORPORATION and/or ABC Corp I-V's wrongfully contacted Plaintiff demanding payment for a bill which was discharged in bankruptcy in violation of the FDCPA.
12. As a result of Defendants' action, Plaintiff has sustained economic, noneconomic and statutory damages including but not limited to denials of credit, decreased credit score, increased interest rates and emotional distress.
13. Plaintiff is a "consumer" as defined by the FDCPA.
14. Defendants PENN CREDIT CORPORATION, and/or ABC Corp I-V (fictitious companies) are domestic or foreign corporations authorized to and doing business in the State of New Jersey and are also "debt collectors" as defined by the FDCPA.
15. All conditions precedent to the bringing of this action have been performed, waived or excused.

VIOLATION OF THE FDCPA BY DEFENDANTS PENN CREDIT CORPORATION AND/OR ABC CORP I-V

16. Plaintiff repeats and realleges and incorporates by reference paragraphs 1 through 19 above.
17. Defendants violated the FDCPA. Defendants' violations include, but are not limited to, the following:
 - (a) The Defendants violated 15 U.S.C. § 1692e(2)(a) by misrepresenting the amount, character and status of a debt.
 - (b) The Defendants violated 15 U.S.C. § 1692e(8) by communicating credit information which Defendant knew or should have known was false.
 - (c) The Defendants violated 15 U.S.C. § 1692f by attempting to collect a debt which Plaintiff did not owe.
 - (d) The Defendants violated 15 U.S.C. § 1692e(5) by threatening to take actions which could not legally be taken.
 - (e) The Defendants violated 15 U.S.C. § 1692d by engaging in conduct with the intent to abuse or harass Plaintiff.

18. As a result of the above violations of the FDCPA, the Defendants PENN CREDIT CORPORATION and/or ABC Corp I-V are liable to the Plaintiff for declaratory judgment that their conduct violated the FDCPA, and Plaintiff's actual damages, statutory damages, punitive damages and costs and attorney's fees.

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendants PENN CREDIT CORPORATION and/or ABC Corp I-V for declaratory judgment that defendants' conduct violated the FDCPA, and declaratory and injunctive relief for such; actual damages; statutory damages pursuant to 15 U.S.C. § 1692k; punitive damages; costs and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k, and for such other and further relief as may be just and proper.

GREENBERG MINASIAN, LLC
Attorneys for the Plaintiff

Date: August 19, 2010

/s/William S. Greenberg
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